

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

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FOSSIL GROUP, INC. and MICHAEL	:	1:20-cv-02577 (AMD)(RLM)
KORS, L.L.C.,	:	
Plaintiffs,	:	
v.	:	ANSWER
EXTENDED DEALS INC.; WORLD OF	:	
ACCESSORIES, INC.; PESHA	:	
FRIEDMAN, also known as "PESHY	:	
FRIEDMAN," doing business as "STAR	:	
DISTRIBUTION" and "APPERTRONICS;"	:	
and CHAYA KATZ and JACOB KATZ, also	:	
doing business as "APPERTRONICS;" THE	:	
ESTATE OF JACOB KATZ; MOSHE	:	
FRIEDMAN, also known as "MARK	:	
FREED" doing business as "SKUZONE"	:	
and "STAR DISTRIBUTION;" and JOHN	:	
DOES 3-5	:	
Defendants	:	
	:	
	:	
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Defendants Extended Deals Inc., World of Accessories, Inc. d/b/a Appertronics, Chaya Katz, and The Estate of Jacob Katz ("Defendants") by its undersigned counsel, answers plaintiffs Fossil Group, Inc. and Michael Kors, L.L.C. ("Plaintiffs") First Amended Complaint (the "Complaint") as follows:

STATEMENT OF THE CASE

1. Defendants have insufficient knowledge of the allegations of Paragraph 1 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

2. Defendants have insufficient knowledge of the allegations of Paragraph 2 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

3. Defendants have insufficient knowledge of the allegations of Paragraph 3 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

4. Paragraph 4 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

PARTIES

5. Defendants have insufficient knowledge of the allegations of Paragraph 5 of the Complaint to form a belief as to the truth or falsity of the such.

6. Defendants have insufficient knowledge of the allegations of Paragraph 6 of the Complaint to form a belief as to the truth or falsity of the such.

7. Defendants admit the allegations set forth in Paragraph 7 of the Complaint.

8. Defendants admit the allegations set forth in Paragraph 8 of the Complaint.

9. Defendants deny the allegations set forth in Paragraph 9 of the Complaint.

10. Defendants deny the allegations set forth in Paragraph 10 of the Complaint.

11. Defendants have insufficient knowledge of the allegations of Paragraph 11 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

12. Defendants have insufficient knowledge of the allegations of Paragraph 12 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

13. Defendants have insufficient knowledge of the allegations of Paragraph 13 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

14. Paragraph 14 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

JURISDICTION AND VENUE

15. Paragraph 15 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such.

16. Paragraph 16 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such.

17. Paragraph 17 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such.

18. Paragraph 18 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such.

FACTUAL ALLEGATIONS

A. Fossil Group, Michael Kors, and the Michael Kors Trademarks

19. Defendants have insufficient knowledge of the allegations of Paragraph 19 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

20. Defendants have insufficient knowledge of the allegations of Paragraph 20 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

21. Defendants have insufficient knowledge of the allegations of Paragraph 21 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

22. Paragraph 22 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required, Defendants admits the allegations in Paragraph 22 of the Complaint only to the extent that this information is provided in Plaintiff's federal registrations which are of public record in the United States

Patent and Trademark Office, however, Defendants lack knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

23. Paragraph 23 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

24. Paragraph 24 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

25. Defendants have insufficient knowledge of the allegations of Paragraph 25 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

26. Paragraph 26 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

B. Defendants' Unauthorized Activities

27. Defendants deny the allegations set forth in Paragraph 27 of the Complaint.

28. Paragraph 28 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or

information sufficient to form a belief about the truth of such, and therefore deny the same.

29. Defendants deny the allegations set forth in Paragraph 29 of the Complaint.

30. Defendants deny the allegations set forth in Paragraph 30 of the Complaint.

31. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31 of the Complaint.

32. Defendants have insufficient knowledge of the allegations of Paragraph 32 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

33. Paragraph 33 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

34. Defendants deny the allegations set forth in Paragraph 34 of the Complaint.

35. Defendants deny the allegations set forth in Paragraph 35 of the Complaint.

36. Defendants deny the allegations set forth in Paragraph 36 of the Complaint.

37. Defendants deny the allegations set forth in Paragraph 37 of the Complaint.

38. Defendants deny the allegations set forth in Paragraph 38 of the Complaint.

39. Defendants have insufficient knowledge of the allegations of Paragraph 39 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

40. Defendants have insufficient knowledge of the allegations of Paragraph 40 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

41. Defendants have insufficient knowledge of the allegations of Paragraph 41 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

42. Paragraph 42 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

43. Defendants have insufficient knowledge of the allegations of Paragraph 43 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

44. Defendants have insufficient knowledge of the allegations of Paragraph 44 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

45. Defendants have insufficient knowledge of the allegations of Paragraph 45 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

46. Defendants have insufficient knowledge of the allegations of Paragraph 46 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

47. Defendants have insufficient knowledge of the allegations of Paragraph 47 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

48. Paragraph 48 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

49. Defendants deny the allegations set forth in Paragraph 49 of the Complaint.

50. Defendants have insufficient knowledge of the allegations of Paragraph 50 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

51. Defendants have insufficient knowledge of the allegations of Paragraph 50 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

52. Defendants deny the allegations set forth in Paragraph 52 of the Complaint.

53. Defendants have insufficient knowledge of the allegations of Paragraph 53 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

54. Defendants have insufficient knowledge of the allegations of Paragraph 54 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

55. Defendants deny the allegations set forth in Paragraph 55 of the Complaint.

56. Defendants have insufficient knowledge of the allegations of Paragraph 56 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

57. Defendants have insufficient knowledge of the allegations of Paragraph 57 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

58. Defendants have insufficient knowledge of the allegations of Paragraph 58 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

59. Defendants have insufficient knowledge of the allegations of Paragraph 59 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

60. Paragraph 60 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or

information sufficient to form a belief about the truth of such, and therefore deny the same.

61. Defendants have insufficient knowledge of the allegations of Paragraph 61 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

62. Defendants have insufficient knowledge of the allegations of Paragraph 62 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

63. Defendants have insufficient knowledge of the allegations of Paragraph 63 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

64. Defendants deny the allegations set forth in Paragraph 64 of the Complaint.

65. Defendants have insufficient knowledge of the allegations of Paragraph 65 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

66. Defendants have insufficient knowledge of the allegations of Paragraph 66 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

67. Defendants have insufficient knowledge of the allegations of Paragraph 67 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

68. Defendants have insufficient knowledge of the allegations of Paragraph 68 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

69. Defendants have insufficient knowledge of the allegations of Paragraph 69 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

70. Defendants have insufficient knowledge of the allegations of Paragraph 70 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

71. Defendants have insufficient knowledge of the allegations of Paragraph 71 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

72. Defendants have insufficient knowledge of the allegations of Paragraph 72 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

73. Defendants have insufficient knowledge of the allegations of Paragraph 73 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

74. Defendants have insufficient knowledge of the allegations of Paragraph 74 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

75. Defendants have insufficient knowledge of the allegations of Paragraph 75 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

76. Defendants have insufficient knowledge of the allegations of Paragraph 76 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

77. Defendants deny the allegations set forth in Paragraph 77 of the Complaint.

78. Defendants have insufficient knowledge of the allegations of Paragraph 78 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

79. Defendants deny the allegations set forth in Paragraph 79 of the Complaint.

80. Paragraph 80 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

81. Paragraph 81 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

82. Paragraph 82 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or

information sufficient to form a belief about the truth of such, and therefore deny the same.

83. Paragraph 83 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

84. Paragraph 84 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

85. Paragraph 85 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

86. Paragraph 86 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

87. Paragraph 87 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or

information sufficient to form a belief about the truth of such, and therefore deny the same.

FIRST CLAIM FOR RELIEF

(Trademark Counterfeiting, 15 U.S.C. § 1114)

88. Defendants incorporate by reference their responses to the allegations in Paragraphs 1 to 87 of the Complaint as if fully set forth herein.

89. Paragraph 89 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 89 of the Complaint.

90. Defendants deny the allegations set forth in Paragraph 90 of the Complaint.

91. Defendants deny the allegations set forth in Paragraph 91 of the Complaint.

92. Paragraph 92 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 92 of the Complaint.

93. Paragraph 92 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 93 of the Complaint.

94. Paragraph 94 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 94 of the Complaint.

95. Paragraph 94 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 95 of the Complaint.

SECOND CLAIM FOR RELIEF

(Trademark Infringement, 15 U.S.C. §1114)

96. Defendants incorporate by reference their responses to the allegations in Paragraphs 1 to 95 of the Complaint as if fully set forth herein.

97. Paragraph 97 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is required lacks knowledge or information sufficient to form a belief about the truth of such, and therefore deny the same.

98. Paragraph 98 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 98 of the Complaint.

99. Defendants deny the allegations set forth in Paragraph 99 of the Complaint.

100. Defendants deny the allegations set forth in Paragraph 100 of the Complaint.

101. Defendants deny the allegations set forth in Paragraph 101 of the Complaint.

102. Defendants deny the allegations set forth in Paragraph 102 of the Complaint.

103. Paragraph 103 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 103 of the Complaint.

104. Paragraph 104 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 104 of the Complaint.

105. Paragraph 105 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 105 of the Complaint.

106. Paragraph 106 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 106 of the Complaint.

THIRD CLAIM FOR RELIEF
(Unfair Competition, False Designation of Origin & False Description, 15 U.S.C. §1125(a))

107. Defendants incorporate by reference their responses to the allegations in Paragraphs 1 to 106 of the Complaint as if fully set forth herein.

108. Paragraph 108 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 108 of the Complaint.

109. Paragraph 109 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 109 of the Complaint.

110. Paragraph 110 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 110 of the Complaint.

111. Paragraph 111 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 111 of the Complaint.

112. Paragraph 112 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 112 of the Complaint.

FOURTH CLAIM FOR RELIEF

(Federal Trademark Dilution, 15 U.S.C. § 1125(c))

113. Defendants incorporate by reference their responses to the allegations in Paragraphs 1 to 113 of the Complaint as if fully set forth herein.

114. Paragraph 114 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 114 of the Complaint.

115. Defendants have insufficient knowledge of the allegations of Paragraph 115 of the Complaint to form a belief as to the truth or falsity of the such, and therefore deny the same.

116. Paragraph 116 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 116 of the Complaint.

117. Paragraph 117 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 117 of the Complaint.

118. Paragraph 118 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 118 of the Complaint.

119. Paragraph 119 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 119 of the Complaint.

120. Paragraph 120 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 120 of the Complaint.

FIFTH CLAIM FOR RELIEF
**(Unlawful Importation of Goods Bearing Registered United States Trademarks
in Violation of Section 526(a) of the Tariff Act, 19 U.S.C. § 1526(a))**

121. Defendants incorporate by reference their responses to the allegations in Paragraphs 1 to 120 of the Complaint as if fully set forth herein.

122. Paragraph 122 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 122 of the Complaint.

123. Paragraph 123 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 123 of the Complaint.

124. Paragraph 124 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 124 of the Complaint.

125. Paragraph 125 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 122 of the Complaint.

SIXTH CLAIM FOR RELIEF
(Unfair And Deceptive Business Practices, N.Y. Gen. Bus. L. § 349)

126. Defendants incorporate by reference their responses to the allegations in Paragraphs 1 to 125 of the Complaint as if fully set forth herein.

127. Paragraph 127 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 127 of the Complaint.

128. Paragraph 128 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 128 of the Complaint.

129. Paragraph 129 of the Complaint states a legal conclusion as to which no response is required, but to the extent a response is require deny the allegations set forth in Paragraph 129 of the Complaint.

AFFIRMATIVE DEFENSES

1. Plaintiffs' claims are barred by the doctrine of waiver.
2. Plaintiffs' claims are barred by the doctrine of estoppel.
3. Plaintiffs' claims are barred by the statute of limitations.

4. Plaintiffs' claims are barred by laches.
5. Plaintiffs' claims are barred by its unclean hands.
6. Plaintiffs' has failed to mitigate its damages.
7. Plaintiffs' has failed to state a claim upon which relief can be granted.
8. Plaintiffs' harm, if any, was caused by its own conduct or the conduct of parties other than Defendants.

PRAYER FOR RELIEF

Wherefore, Defendants respectfully request:

That all of Plaintiff's claims be dismissed in their entirety with prejudice;

That the costs of this action, including but not limited to attorneys' fees, be taxed against Plaintiff;

That the Court grant such other relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Defendants demand trial by jury on all issues so triable.

Dated: August 28, 2020
New York, New York

Respectfully submitted,
**Garson, Segal, Steinmetz, Fladgate
LLP**

By: _____ /s/

Michael Steinmetz

Jacob Pargament

164 West 25th Street, 11R

New York, NY 10001

Telephone: (212) 380-3623

Facsimile: (347) 537-4540

Email: MS@gs2law.com;

JEP@gs2law.com

Attorneys for Defendants Extended Deals Inc., World of Accessories, Inc. d/b/a Appertronics, Chaya Katz, and The Estate of Jacob Katz